

REMARKS

Claims 1-17 are pending. A Final Office Action mailed October 10, 2006 rejected Claims 1-19 and 22-23, and withdrew Claims 20-21 from consideration. The Final Office Action rejected Claim 19 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Claims 6-9, 18-19, and 22-23 were rejected under 35 USC 102(b), and Claims 1-5, 10-17, and 22-23 were rejected under 35 USC 103(a). By way of this Response, Applicant hereby traverses with respect to Claims 1-17.

102 REJECTIONS

The Office Action rejected Claims 6-9 as being anticipated by Anderson. The Office Action states "Fifth, on pages 8-9 of Remarks, the applicant traversed the rejection of Claims 6-9 and 18 because the Anderson's device are within the support platform not "within or as part of the mat itself". Applicant also argued that Anderson patent teaches a mat with tubes and a support platform with channels and does not anticipated broad claims 6-9 and 18. The examiner disagrees. It is noted the broad claims 6-9 and 18 do not recite any limitations as argued herein. In other words, the applicant is arguing something not in the claims. The applicant must focus on the claim limitations that the prior art references do not teach or show." Applicant respectfully disagrees. Claim 6 claims "a vacuum mat having a surface with at least one vacuum port and a plurality of channels". Applicant fails to understand how that language could be reasonably interpreted to mean anything other than the port and the channels are either part of the mat, or part of the surface, the surface also being part of the mat. Thus, the channels and port of Applicant's invention are part of the mat, and are claimed as such. Anderson does not teach a mat having channels and a port: "Openings in the support platform lead to a series of channels 10 formed *within the support platform*." (Anderson col. 7, lns. 49-51; Fig. 1C). Thus, Anderson cannot anticipate Claims 6-9, because Anderson neither discloses nor fairly suggests a vacuum mat having a plurality of channels and a vacuum port. If it would help reduce confusion, Examiner is authorized to amend the claim limitation to read "a vacuum mat having a surface

with at least one vacuum port and a plurality of channels, the channels, port, and surface all part of the mat itself, and not part of any other structure, such as a support platform.”

The Office Action rejected Claims 6-9 as being anticipated by Wenander. The Office Action states “Sixth, pages 9-10 of the Remarks, the applicant argued that Wenander patent does not anticipate claims 6-9, 11-15 and broadened claim 18 because the applicant requires only a vacuum mat and a vacuum source and Wenander requires extra elements. However, broad claims 6-9 and 18 do not include any structural limitations that the Wenander patent does not show or teach. Is the applicant’s intention to claim an absence of an element as his/her invention? In this case, the Wenander patent does show a surface drying system comprising: a vacuum mat 2, 5-7 having a surface with at least one vacuum port 11 and a plurality of channels (between 9); and a vacuum source (col. 2, lines 35-36) connected with the port, wherein the vacuum source creates an enclosure of negative pressure within the perimeter of the mat and urges water to flow through the channels toward the vacuum source to effect moisture removal. The broad claims 6-9, 11-15, and 18 still are anticipated and readable on the Wenander patent.” Applicant respectfully disagrees. Applicant fails to understand how the cover 2, the distance net 5, a lower cloth or sheet 6, and a plurality of small holes 7 could be reasonably lumped together and characterized as “a vacuum mat” when Wenander clearly teaches that they are a cover, a distance net, a lower cloth or sheet, and a plurality of small holes. Applicant’s Claim 6 claims “a vacuum mat having a surface with at least one vacuum port and a plurality of channels.” If Wenander’s cover is taken to be the vacuum mat, then the “vacuum mat” of Wenander includes neither a vacuum port nor a plurality of channels. If Wenander’s distance net is taken to be the vacuum mat, then the “vacuum mat” of Wenander includes neither a vacuum port nor a plurality of channels. If Wenander’s lower cloth or sheet is taken to be the vacuum mat, then Wenander’s “vacuum mat” includes neither a vacuum port nor channels. Finally, if Wenander’s plurality of small holes is taken to be the vacuum mat, then Wenander’s “vacuum mat” includes neither a surface nor a vacuum port nor channels. Thus, Wenander neither discloses nor fairly suggests “a

vacuum mat having a surface with at least one vacuum port and a plurality of channels,” as taught and claimed by Applicant. In the interest of clarity, Examiner is authorized to amend the limitation as follows: “a vacuum mat having a surface with at least one vacuum port and a plurality of channels, the channels, port, and surface all part of the mat itself, and not part of any other structure, such as a cover, a distance net, a lower cloth or sheet, or a plurality of holes.”

103 REJECTIONS

The Office Action states “Eighth, on pages 10-11 of the Remarks, the applicant traversed the rejection of claims 1-18 under 35 USC 103 without giving any reasons. Therefore, the traversal of rejection under 35 USC 103 without reasons is deemed to be admission by the Applicant.” Applicant respectfully disagrees. Examiner’s attention is directed to the last two paragraphs on p. 11 of the Remarks: “Applicant respectfully traverses this rejection. [¶]. *For the same reasons as stated above, Anderson or Wenander does not anticipate Applicant’s device*” (emphasis added). Thus, Applicant did give reasons for the traversal of the 103 rejection, i.e., “the same reasons as stated above.” In the interest of clarity, in the instant Response, Applicant has repeated the “same reasons.”

The Office Action rejected Claims 11-16 as unpatentable over Wenander. The Office Action states that Wenander’s system comprises “a means (inherent by hand or other device) for placing at least one water impermeable vacuum mat 2, 5-6 having a manifold 3 over a surface 1, the mat configured to have a lattice formation, the lattice formation providing spaces; a means (not shown, inherent) for connecting the manifold with a vacuum source; and a means (col. 2, lines 35-36) for applying a vacuum, wherein negative pressure causes water to flow through the spaces within the lattice formation to the vacuum source to effect moisture removal underneath and from the surface. Wenander discloses the claimed invention except for the manifold integrally formed with vacuum mat.” Applicant respectfully disagrees. With respect to Claim 11, which claims “placing at least one vacuum mat having at least one integrally formed manifold over a surface, the mat configured to have a lattice formation, the lattice formation

providing spaces”: Applicant again notes that Wenander’s 2, 5-6 are a cover, a distance net, and a lower cloth or sheet, and not “a vacuum mat.” For at least the same reasons as above, and restated below, Wenander does not disclose the claimed invention. If Wenander’s cover is taken to be the vacuum mat, then Wenander’s “vacuum mat” is not configured to have a lattice formation. If Wenander’s distance net is taken to be the vacuum mat, then Wenander’s “vacuum mat” does not have at least one integrally formed manifold, and additionally is not capable of creating an enclosure of negative pressure. If Wenander’s lower cloth or sheet is taken to be the vacuum mat, then Wenander’s “vacuum mat” is not configured to have a lattice formation. Thus, Wenander does not disclose the “claimed invention except for the manifold integrally formed with vacuum mat”, and cannot render Claim 11 unpatentable. As Claims 12-16 depend from Claim 11, Wenander cannot render these claims unpatentable for at least the same reasons.

The Office Action rejected Claims 1-5, 10, and 17 as unpatentable over Anderson or Wenander. The Office Action states “The moisture removing apparatus of Anderson or Wenander as above includes all that is recited in claim 1-5, 10 and 17, 19-22-23 except for using a vacuum chamber for removing the water from a surface. However, it would have been obvious to one skill in the art at the time the invention was made to substitute a vacuum chamber for the vacuum mat of Anderson or Wenander for removing the water from a surface since applicants admitted that embodiment of the claimed design in claims 1-5, 10, 17, 19, and 22-23 is obvious variation of the embodiment as claimed in claims 6-9, 11-16 and 18 to one ordinary skill in the art therefore the claims 1-5, 10, 17, 19 22-23 and claims 6-9, 11-16, 18 are not separate and distinct...” Applicant understands this argument as follows: since Anderson or Wenander renders unpatentable Claims 6-9 and 11-16, and since claims 1-5, 10, and 17 are not separate and distinct from Claims 6-9 and 11-16, then Anderson or Wenander also renders unpatentable claims 1-5, 10, and 17.

Applicant respectfully disagrees. For at least the same reasons as stated above, and restated below, the moisture removing apparatus of Anderson or Wenander as above does not

include all that is recited in claim 1-5, 10 and 17, except for using a vacuum chamber for removing the water from a surface. Claim 6 claims “a vacuum mat having a surface with at least one vacuum port and a plurality of channels”. Applicant fails to understand how that language could be reasonably interpreted to mean anything other than the port and the channels are either part of the mat, or part of the surface, the surface also being part of the mat. Thus, the channels and port of Applicant’s invention are part of the mat, and are claimed as such. Anderson does not teach a mat having channels and a port: “Openings in the support platform lead to a series of channels 10 formed *within the support platform*.” (Anderson col. 7, lns. 49-51; Fig. 1C); “Applicant’s Claim 6 claims “a vacuum mat having a surface with at least one vacuum port and a plurality of channels.” If Wenander’s cover is taken to be the vacuum mat, then the “vacuum mat” of Wenander includes neither a vacuum port nor a plurality of channels. If Wenander’s distance net is taken to be the vacuum mat, then the “vacuum mat” of Wenander includes neither a vacuum port nor a plurality of channels. If Wenander’s lower cloth or sheet is taken to be the vacuum mat, then Wenander’s “vacuum mat” includes neither a vacuum port nor channels. Finally, if Wenander’s plurality of small holes is taken to be the vacuum mat, then Wenander’s “vacuum mat” includes neither a surface nor a vacuum port nor channels. Thus, Wenander neither discloses nor fairly suggests “a vacuum mat having a surface with at least one vacuum port and a plurality of channels,” as taught and claimed by Applicant”; and, “Applicant again notes that Wenander’s 2, 5-6 are a cover, a distance net, and a lower cloth or sheet, and not “a vacuum mat.” If Wenander’s cover is taken to be the vacuum mat, then Wenander’s “vacuum mat” is not configured to have a lattice formation. If Wenander’s distance net is taken to be the vacuum mat, then Wenander’s “vacuum mat” is not water impermeable. If Wenander’s lower cloth or sheet is taken to be the vacuum mat, then Wenander’s “vacuum mat” is neither water impermeable nor configured to have a lattice formation”. Thus, Anderson or Wenander as above does not include all that is recited in claims 6-9 and 11-16, and therefore cannot render

unpatentable those claims, and since claims 1-5, 10, and 17 are obvious variations of claims 6-9 and 11-16, Anderson or Wenander cannot render unpatentable those claims either.

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CONCLUSION

With all of the remaining Claims now in condition for allowance, Applicant respectfully requests withdrawal of the rejections and allowance of the Claims. Should the Examiner have any questions, the Applicant requests that the Examiner contact the Applicant's attorney at the address and telephone numbers set forth below.

Respectfully submitted,

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